

REMARKS

Claims 1, 3, 5-9, 30, 31, 33, 35-39, 58-60, 62, 63, 72, 74 and 75 remain in this application. Claims 1, 3, 5, 30, 31, 33, 35, 36, 37, 38, 39, 58, 62, 63 and 72 have been amended, while claims 2, 4, 31, 34, 61 and 73 have been cancelled. Claims 10-29, 40-57 and 64-71 have been withdrawn as non-elected claims, while the remaining claims remain unchanged. No new subject matter is believed to have been added by this Amendment.

Fig. 1 has been amended to specify that reference number 16 is directed to a connecting pin while Fig. 27b has been amended in the legend to specify that the throat is represented by the solid line while the apex is represented by the dashed broken line. Entry of these changes is respectfully requested.

For consistency, the term "heavy duty" has been amended to "heavy-duty" in claims 31, 33 and 35-39.

On page 2 of the Office Action, the Examiner indicates that the application does not contain an abstract. Although this is the United States national phase of a PCT application, and the abstract from the cover sheet of the published PCT application should carry over, a new abstract has been added on a separate sheet.

On page 3 of the Office Action, the Examiner rejects claims 1-9 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. In particular, the Examiner indicates that the specification fails to provide support for the term "guide slot". Page 10 of the specification has been amended to specify that the term "slot" occurring in line 26 is actually "guide slot". On page 3 of the Office Action, the Examiner rejects claims 4 and 34 under 35 U.S.C. §112, second paragraph, as being indefinite, indicating that the term "quick change assembly" is relative. Each of these claims has been

cancelled. The subsequent claims 5, 35 and 38 provide details of one such quick change assembly.

The Examiner rejects claim 38 under 35 U.S.C. §112, second paragraph, as being indefinite, indicating there is no antecedent basis for the term "piston cylinder assembly". Claim 38 has been amended to change the term "piston cylinder assembly" to "at least one hydraulic cylinder assembly", which is found in independent claim 30. The Examiner further rejects claim 39 indicating there is no antecedent basis for the term "piston rod." Claim 39 has been amended to specify "a" piston rod.

On page 4 of the Office Action, the Examiner rejects claims 1-4, 6, 9 and 58-63 under 35 U.S.C. §102(b) as being anticipated by the teaching of U.S. Patent No. 5,636,802 to Tagawa. Independent claim 1 of the subject invention is directed to a demolition tool having a pair of pivotable blades which are pivotably attached together and removably attached to a universal body 18. At least one linkage (24, 28) is attached to each blade (12, 14), and a common pivot pin 34 connects each linkage (24, 28) to a slide member 32, which is moved by a piston cylinder arrangement to operate the blades (12, 14).

The Tagawa patent, on the other hand, is directed to a crushing apparatus having a pair of arms (2a, 2b) rotatably supported on a support arm 3 through pins 8 which are connected to one end of a connecting rod 16 via a pin 30, as specified in column 4, lines 35-45 of the Tagawa patent. Furthermore, the other end of the connecting rod 16 is connected to one end of a link piece 18 via a pin 40. The other end of the link piece 18 is connected to the other end of the link piece 18 via a different pin 40, spaced from the other pin 40. The link piece 18 has a central portion connected to the central piston rod of the hydraulic cylinder 4. The link piece 18 is moved back and forth to open and close the arms, 2a, 2b.

By providing a common pivot pin connecting each linkage to a slide member as found in claim 1 of the application, it is possible to generate greater clamping forces sooner in the travel of the slide member. Additionally, under high loads the link 18 found in the Tagawa patent, which has a separate offset pin for each linkage, tends to twist and buckle. Finally, the offset link 18 of the Tagawa patent imparts an unbalanced load and, as a result, stresses produced therein are not balanced. In particular, the link 18 tends to isolate forces at the end of the link. These disadvantages are overcome by providing a common pivot pin connecting each linkage to the slide member as found in Applicant's amended claim 1. For this reason, claim 1, as amended, is not believed to be anticipated by or made obvious by the teaching of the Tagawa patent and is believed to be patentably distinct over the prior art of record. By way of their dependence upon what is believed to be patentably distinct amended claim 1, dependent claims 3, 6 and 9 are themselves believed to be patentably distinct. It should be noted that claims 2 and 4 have been cancelled, with the limitation of claim 2 added to claim 1.

Claim 58, which was rejected based upon the teaching of the Tagawa patent, is directed to a demolition tool having at least one moveable blade pivotably attached to a universal body and one linkage extending from each moveable blade to a hydraulic piston. Once again, each linkage is connected to the hydraulic piston through a common pivot pin. Although the scope of claims 1 and 58 is not the same, claim 58 has been amended in a fashion similar to claim 1 to specify a common pivot pin connecting the linkage. For that reason, the arguments applied to claim 1 distinguishing the Tagawa patent also apply to amended claim 58, and claim 58 is believed to be patentably distinct over the prior art of record. Claims 59, 60 and 62 are patentably distinct based upon their dependence upon what is believed to be patentably distinct independent claim 58. Claim 61 has been cancelled.

Finally, claim 63 is directed to a demolition tool and an amendment similar to that made to claims 1 and 58 has been made to claim 63. For reasons previously presented, with respect to claim 1, claim 63 is believed to be patentably distinct over the prior art of record.

On page 5 of the Office Action, the Examiner rejects claims 8, 30-39 and 72-75 under 35 U.S.C. §103(a) as being obvious from the teaching of the Tagawa patent in view of the teaching of U.S. Patent No. 5,044,569 to LaBounty et al. (the LaBounty patent). Please note on page 6 of the Office Action the Examiner has indicated that claim 35 would be allowable if written in independent form, and for that reason, it appears the Examiner has actually rejected claims 8, 30-34, 36-39, and 72-75 under 35 U.S.C. §103(a) for obviousness. It is these claims which will now be addressed.

Claim 8, by its dependence upon what is believed to be patentably distinct independent claim 1, is itself believed to be patentably distinct.

Claim 30 is directed to a heavy-duty shear having a pair of pivotable blades attached at a common pivot point to a body wherein each blade has a first cutting portion, a replaceable piercing tip and a second cutting portion and has been amended to specify that a common pivot pin connects each linkage to a slide member. Just as the Tagawa patent disclosed a link 18 connected at each end to a linkage that controls the jaws, the LaBounty patent is directed to a demolition tool, as illustrated in Fig. 1A, in which hydraulic cylinders 25 and 26 are attached to connector portions 32 and 33 of the jaws 22 and 23. However, these connector portions 32 and 33 are spaced apart from one another such that the linkages associated with the jaws are not attached to a common pivot pin. The benefits of this common pivot pin attachment have been previously discussed. In particular, independent claim 30 has been amended to specify a common pivot pin connecting each linkage to the slide member and for that reason is believed to be patentably distinct over the teaching of the

prior art. Claims 31, 33 and 35-39 by way of their dependence upon what is believed to be patentably distinct independent claim 30, are themselves believed to be patentably distinct. Dependent claim 32 has been cancelled.

Claim 72 is directed to a heavy-duty shear comprising a pair of pivotable blades attached through a common pivot point to the body and coupled to at least one cylinder for movement of the blades in a shearing relation. Claim 72 has been amended to specify that the body includes a guide slot, a linkage attached to each blade and a slide member received within the guide slot coupled to the cylinder wherein a common pivot pin connects each linkage to the slide member. The benefits of this common pin connection have been previously discussed. Claim 72, as amended, is believed to be patentably distinct over the prior art of record. By way of their dependence upon what is believed to be patentably distinct independent claim 72, dependent claims 74 and 75 are themselves believed to be patentably distinct. Dependent claim 73 has been cancelled.

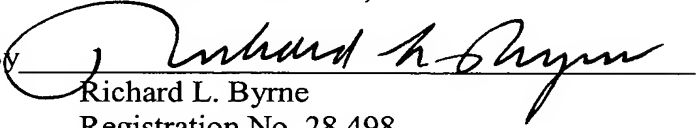
On page 6 of the Office Action, the Examiner indicates that claims 5, 7 and 35 are objected to as being based upon a rejected base claim but would be allowable if rewritten in independent form. The Applicant is optimistic that broader patent protection is available and for that reason independent claim 1 and independent claim 30, upon which these claims depend, have been amended in a different fashion to identify what is believed to be patentable subject matter.

Appl. No. 10/089,481
Amendment Dated July 19, 2004
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Attorney Docket No. 2005-020399

Reconsideration of the rejections and objections and allowance of claims 1, 3,
5-9, 30, 31, 33, 35-39, 58-60, 62, 63, 72, 74 and 75 are respectfully requested.

Respectfully submitted,
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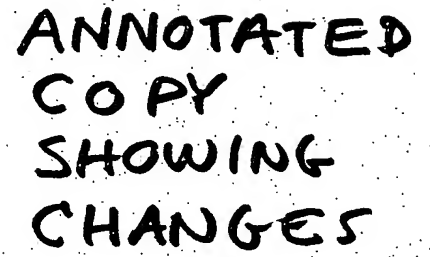
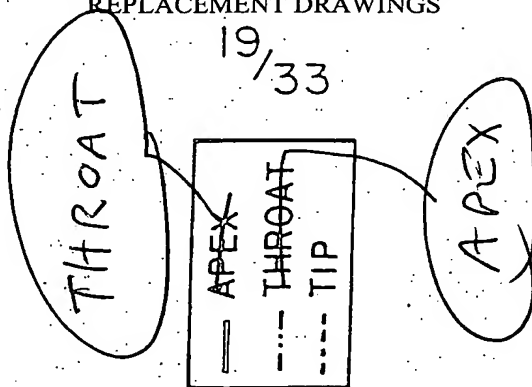


FIG. 1



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 CHANGES

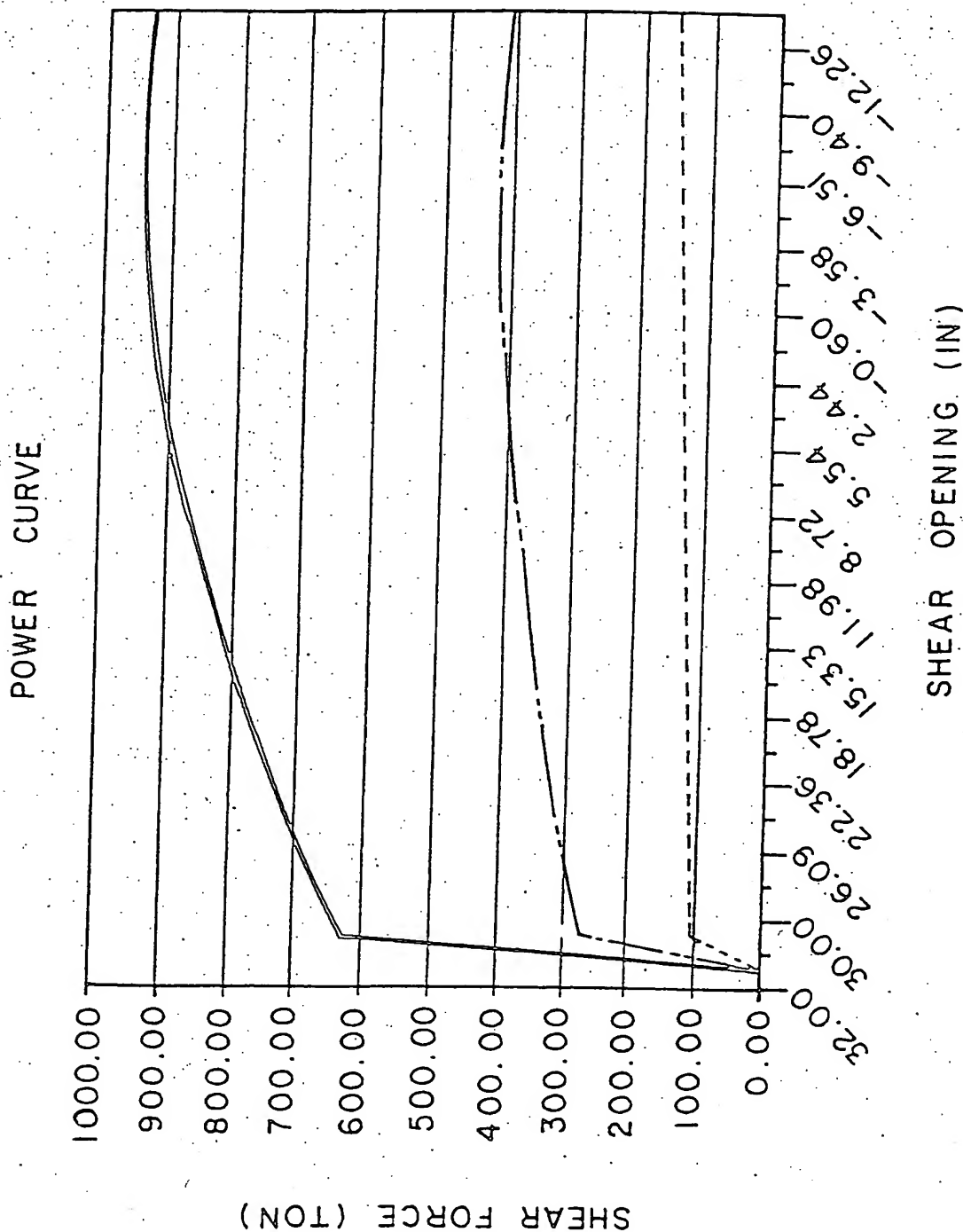


FIG. 27b